
UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

Nkasi Comfort Onyung,

Plaintiff,

versus

Credit Link Finance
Limited Company, *et al.*,

Defendants.

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Civil Action H-13-3452

Opinion on Partial Judgment

I. *Introduction.*

A judgment creditor sued a defunct company's manager to enforce its judgment. The creditor will take nothing from the manager.

2. *Background.*

In March of 2009, Nkasi Comfort Onyung was awarded judgments against Xenos Yuen and CMC Builders Company, Ltd. Nkasi's judgment against Yuen is for \$7,500, but Nkasi owes Yuen \$8,750 for his services as her lawyer and trustee. Nkasi's judgment against CMC is for \$590,943.78.

Nkasi separately sued Xenos Yuen, Credit Link Finance Limited Company, Xenos Yuen Family Irrevocable Trust, J.P. Foods, LLC, Kam Chu Cheng, and Cai Yi to enforce her judgment against CMC. Her suits were consolidated into this one.

- CMC is a limited liability company owned by Okon Onyung, Nkasi's husband. Yuen manages it.
- Credit Link is a limited liability company owned by Zhao Kang Zheng. Yuen manages it.
- The Irrevocable Trust benefits Yuen's five children and Cai Yi, who is Yuen's wife. Yuen manages it.

- J.P. Foods is a limited liability company owned by Ping Jin. Yuen manages it.
- Kam Chu Cheng is Yuen's mother.

3. *Liability.*

Nkasi wants Yuen to pay her judgment against CMC. She says that he is its "de facto" owner because he manages it. She is wrong. Neither possession nor management necessarily entails ownership.

CMC's records show that Okon has owned it since April 23, 2009. As CMC's sole owner, only Okon may be obliged to pay Nkasi's judgments against CMC.

4. *Property.*

Nkasi has not sued CMC or Okon. This court need not decide whether she can compel Okon to pay her or whether CMC fraudulently transferred property to avoid paying her.

5. *Discovery.*

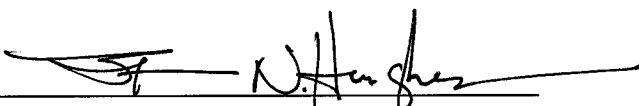
Nkasi says that she has not had meaningful discovery. Her response to the defendants' motions for summary judgment includes 514 pages of exhibits.

Neither Xenos Yuen, Credit Link Finance Limited Company, Xenos Yuen Family Irrevocable Trust, J.P. Foods, LLC, Kam Chu Cheng, nor Cai Yi owns CMC. They are not obliged to pay judgments against CMC. Additional discovery will not change this.

6. *Conclusion.*

Nkasi Comfort Onyung will take nothing from Xenos Yuen, Credit Link Finance Limited Company, Xenos Yuen Family Irrevocable Trust, J.P. Foods, LLC, Kam Chu Cheng, and Cai Yi.

Signed on August 25, 2015, at Houston, Texas.



Lynn N. Hughes
United States District Judge